

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 364
Title 14, California Code of Regulations
Re: Elk

- I. Date of Initial Statement of Reasons: January 15, 2003
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: February 7, 2003
Location: Sacramento, California
- (b) Discussion and: Date: April 4, 2003
Adoption Hearing: Location: Visalia, California
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
1. Season Dates, Fort Hunter Liggett Tule Elk Hunt
The proposed regulatory amendment would establish two elk hunt periods, each lasting five consecutive days for the Fort Hunter Liggett Tule Elk Hunt. The first hunt period for antlerless elk will start on the second Saturday in November. The second hunt period for bull elk will start on the first Saturday in December. This change would reduce the total number of hunter days for this hunt while maintaining the total number of tags available. Existing regulations provide for three hunt periods; however, as a result of increased military training needs and reduced staffing levels, Fort Hunter Liggett has requested a reduction to two hunt periods, while maintaining the total elk tag quota.
 2. Season Dates, Grizzly Island Tule Elk Hunt
The proposed amendment would change season dates for period three (bull), and periods four and five for the Grizzly Island Tule Elk Hunt to occur one week earlier only for the year 2003. Traditionally, the season for the Grizzly Island Tule Elk Hunt has ended on, or before September 22nd of each year to ensure that all other public uses can resume and that Department of Fish and Game ("Department") staff can accomplish other essential tasks prior to the beginning of waterfowl season. Hunt periods have avoided holidays as a cost-saving measure so that Department staffing is not required during holiday weekends. Recent growth of the Grizzly Island elk population has provided additional public elk hunting opportunities through development of an additional hunting period (in 2000). However, as a result of an inadvertent oversight, existing regulations specify season dates for Grizzly Island that will end well after September 22nd, making it difficult for Department personnel to prepare for the waterfowl season; unduly restricting other public uses of the Wildlife Area. This amendment is a cost-effective means of maintaining current elk hunting opportunities and providing Department staff sufficient time to accomplish essential tasks, while minimizing the time during which other public uses are prohibited.
 3. Number of Tags
Existing regulations specify elk license tag quotas for each hunt. In order to maintain

hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment would make the following specific changes in license tag quotas:

Reduce the quota for the Tinemaha zone in the Owens Valley from 20 antlerless and 6 bull tags distributed over three hunt periods to 2 bull tags valid only during the first period.

Increase the quota for the Grizzly Island Tule Elk Hunt from 25 antlerless, 8 spike bull, and 4 bull tags to 28 antlerless, 8 spike bull, and 4 bull tags.

Change the quota for the Fort Hunter Liggett Tule Elk Hunt from 20 antlerless, 4 spike bull, and 10 bull tags to 20 antlerless, and 14 bull tags.

4. Editorial Changes

This proposed amendment updates the year from 2002 to 2003, and deletes language that awarded tags for the 2002 Fort Hunter Liggett Tule Elk Hunt to persons that were drawn when the 2001 hunt was cancelled. The proposal makes other minor editorial changes to improve clarity and consistency, and reduce redundancy.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Fish and Game Code Sections 200, 202, 203, 332, 1050 and 1572.

Reference: Fish and Game Code Sections 203, 203.1, 332, 1050, 1572 and 3951.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Draft 2003 Environmental Document Regarding Elk Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

There are no pre-notice public meetings scheduled at this time. The proposed changes are relatively simple and few. However, the Department held four public meetings in 2001 to discuss mammal hunting regulations in general. The dates and locations of those meetings were:

November 7, 2001 in Fresno
November 13, 2001 in San Diego
November 29, 2001 in Monterey
December 13, 2001 in Sacramento

While these meetings were conducted prior to the establishment of last years regulations, concepts and proposals resulting from these meeting are still being implemented as part of the current year regulatory process. Additionally, the Department held a public meeting on January 6, 2003, and discussed specific changes to mammal hunting regulations for 2003.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Season Dates, Fort Hunter Liggett Tule Elk Hunt

There is no reasonable alternative to the proposed change.

2. Season Dates, Grizzly Island Tule Elk Hunt

There is no reasonable alternative to the proposed change.

3. Number of Tags

No alternatives were identified. Elk license tag quotas must be changed periodically in response to a variety of environmental and biological conditions.

4. Editorial Changes

There are no reasonable alternatives to the proposed changes.

(b) No Change Alternative:

1. Season Dates, Fort Hunter Liggett Tule Elk Hunt

The no-change alternative was considered and rejected. Retaining the existing elk hunt periods would be unresponsive to the heightened military security conditions and reduced staffing levels at Fort Hunter Liggett. It is likely that the no-change alternative would result in cancellation of the Fort Hunter Liggett Tule Elk Hunt.

2. Season Dates, Grizzly Island Tule Elk Hunt

The no-change alternative was considered and found inadequate to attain project objectives. Retaining existing dates for periods 3, 4 and 5 of the Grizzly Island Tule Elk Hunt would increase Department costs along with the work effort required to physically prepare the Wildlife Area for the beginning of waterfowl season. Additionally, retaining existing dates would unnecessarily restrict other public use of Grizzly Island Wildlife Area because it is restricted to other public use during the elk season.

3. Number of Tags

The no-change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities while maintaining elk populations and biological/environmental conditions at desired levels. Retaining current tag quotas for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify desired sex and age ratios which are attained/maintained in part by modifying tag quotas on an annual basis. The no-change alternative would not allow adjustment of tag quotas in response to changing environmental/biological conditions.

4. Editorial Changes

The no-change alternative was considered and rejected because it would not result in clear and accurate regulations.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be

as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations specify three hunt periods for the Fort Hunter Liggett Tule Elk Hunt. The proposed change maintains the total number of tags available for this hunt, eliminates one hunt period, and modifies dates of the remaining two hunt periods.

Existing regulations specify hunt periods for the Grizzly Island Tule Elk Hunt. The proposed change in language causes period three (bull), and periods four and five for the Grizzly Island Tule Elk Hunt to occur one week earlier, only during 2003. The proposed change does not alter the duration of hunt periods at Grizzly Island. It is a cost-effective means of maintaining current elk hunting opportunities, minimizing the restriction of other public uses, and enabling Department staff to accomplish essential physical tasks that prepare the Wildlife Area for waterfowl season.

Existing regulations specify tag quotas for each elk hunt. Proposed changes reduce the quota for the Tinemaha zone in the Owens Valley from 20 antlerless and 6 bull tags to 2 bull tags; increase the quota for the Grizzly Island Tule Elk Hunt from 25 antlerless, 8 spike bull and 4 bull tags to 28 antlerless, 8 spike bull and 4 bull tags; and change the quota for the Fort Hunter Liggett Tule Elk Hunt from 20 antlerless, 4 spike bull and 10 bull tags to 20 antlerless and 14 bull tags.

Minor editorial changes are also proposed to include clarity and consistency of the regulations. Specifically, the proposal deletes reference to awarding tags for the 2002 Fort Hunter Liggett Tule Elk Hunt to persons that were drawn for this hunt when it was cancelled in 2001. The proposal also updates the year from 2002 to 2003, and makes other minor changes to reduce redundancy.